

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/628,383	SOLORIO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	N. Bhat	1764	

**All Participants:**

(1) N. Bhat.

(2) D. Wallace.

**Status of Application: \_\_\_\_\_**

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** 29 November 2005

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

**Rejection(s) discussed:**

*103 rejection of claim 25 over Villagran et al. reference*

**Claims discussed:**

*25*

**Prior art documents discussed:**

*Villagran et al. 6, 180, 159*

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*See Continuation Sheet*

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

\_\_\_\_\_  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner discussed with applicant that office wanted a rejection over claim 25 using the Villagran et al. and the examiner does not agree with the position taken by the Office but was unpersuasive in convincing the Office that Villagran does not teach the water based creamer as claimed. In order to advance prosecution especially since the issue fee has been paid etc., the examiner suggested canceling claim 25 by restricting the creamer from the frozen beverage and concentrate claims which were not in question and deemed allowable. Applicant's attorney authorized election with traverse of the beverage and concentrate and method of making the frozen beverage. Claim 25 was cancelled applicant reserved the right to file for a divisional application..